

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 22975 of 2006.

Between:

Uchchuru Laxmi Narasa Reddy.

...Petitioner.

And

The District Collector,
Nellore and another

...Respondents.

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 22975 of 2006.

Oral order:

The writ petition is misconceived and has been filed on an apprehension that the 2nd respondent would dispossess the petitioner from ownership and possession in respect of agricultural lands admeasuring Ac.13-50 cents in Sy.No.232/1 to 232/8 situated at Manubole Village and Mandal, Nellore District.

The genesis of the petitioner's apprehension, as apparent from the writ petition, is that he went to the 2nd respondent's office on 16-10-2006 on some revenue work and there he was informed that the respondents are contemplating to acquire his land. Apprehending dispossession, otherwise than in accordance with the due process of law, the petitioner made a representation to the 1st respondent on 19-10-2006 enclosing a copy of the sale deed in support of his assertion of ownership and sought a stay from the 1st respondent or a direction to the 2nd respondent to grant stay. No action having been taken thereon, the writ petitioner is before this Court.

It is neither pleaded nor demonstrated before this Court that either of the respondents have initiated any steps under the provisions of the Land Acquisition Act, 1894 (for short 'the Act') or any other law which authorizes acquisition of private property. No formal proceedings also appear to have been initiated by any of the respondents. In the circumstances, on the basis of a mere casual conversation in the 2nd respondent's office, the petitioner cannot seek mandamus from this Court.

If either of the respondents proceed to dispossess the petitioner

of his ownership and lawful possession of property except by lawful authority, the petitioner has a plenitude and plurality of remedies. The petitioner may use adequate and countervailing force in exercise of the right of private defence to resist such criminal trespass by any persons including persons in public office, abusing public office or under the colour of such office who transgress the law and indulge in criminal trespass; the petitioner may also complain to the nearest police station of unlawful conduct which constitutes commission of a cognizable offence and if such a complaint is made, the police are bound to register the complaint, proceed to investigate as also to employ the sovereign and coercive power of the State to protect the citizens from unlawful deprivation of property including by a person who holds a public office and who attempts to dispossess a citizen of his property except in accordance with the authority of law. The petitioner also has another remedy, to approach the jurisdictional Civil Court for injunctive relief. It is not the petitioner's case that the respondents are immune to the legal process of this Republic.

This Court finds no ripe cause for grant of relief in the writ petition. The writ petition is dismissed, however, with liberty to the petitioner to pursue appropriate remedies. There shall be no order as to costs.

GODA RAGHURAM, J

6th November, 2006.

GRR